

REMARKS

The amendments set out above and the following remarks are believed responsive to the points raised by the Office Action dated June 19, 2008 and discussed during the interview on August 18, 2008. Reconsideration is respectfully requested.

Several changes have been made in the specification to improve its form. In particular, in response to the Examiner's objection to the claims and in accordance with the Examiner's suggestion at the interview, the specification has been amended to include a specific reference to "*a plurality of spaced apart segments that are not in contact with adjacent segments*". Similarly, the specification has been amended to include a specific reference to "*a radially extending slit which is defined by opposing faces of the magnet which are spaced apart, i.e., not in contact with each other*". These changes are essentially editorial in nature and do not constitute the addition of new matter. The basis for these amendments may be found, for example, in the Figure and in the specification at page 2, lines 5-6 and 15-16.

Claims 1-7 are pending. The claims have been amended to describe the invention more clearly. In particular, claim 1 has been amended to refer to an annular permanent magnet divided in a circumferential direction at at least one location *to form a radially extending slit, the radially extending slit defined by opposing faces of the magnet, wherein the opposing faces of the magnet are not in contact with each other*. Claim 3 has been amended to correspond to previously pending claim 1 wherein the magnet is divided at multiple locations *into a plurality of spaced apart segments and the spaced apart segments not in contact with adjacent segments*. No new matter has been added, the basis for the amended claim language may be found within the original specification, claims and drawings.

The claims were objected to as containing a number of informalities. Applicant's attorney appreciates the clarification and suggestions provided by the Examiner during the interview regarding these objections. It is respectfully submitted that the claims and specification have been amended in accordance with the Examiner's suggestions and that the objections have now been overcome.

Claims 1-6 were rejected under 35 U.S.C. §102 as anticipated by Suwa. Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Suwa in view of U.S. Patent No. 6,250,577 to Koenig. These rejections are respectfully traversed.

At the interview, Applicants' attorney discussed the nature of the present invention and the disclosure of the cited "Suwa" reference. Additionally, Applicants' attorney submitted that the cited reference, i.e., JP 360-252820A to Suwa does not teach or suggest the claimed embodiments. In particular, it was submitted that Suwa does not disclose a magnet including a radially extending slit defined by opposing faces of the magnet wherein the opposing faces of the magnet *are not in contact*.

According to the Office Action, in items 3 and 4, Suwa teaches (in figs 1-2) "at least one annular permanent magnet [4/9] divided in a circumferential direction thereof at least one location [7/13] into a plurality of segments [6/12] spaced apart from one another at the at least one location [7/13]" and "the location [7/13] is embodied as a radially extending slit [fig. 2]". However, as can be clearly seen in Figure 2 of Suwa, the opposing faces of the magnet defining the radially extending slit [7/13] *contact one another* at the inner and outer regions (labeled N and S, respectively). Thus, Suwa does not disclose or suggest including a radially extending slit wherein the opposing faces of the magnet defining the slit are spaced apart and not in contact.

The presently claimed embodiments advantageously allow a lower preloading of the binding bands used with annular magnets. For example, the radially extending slit defined by the spaced apart opposing faces of the magnet, i.e., opposing faces that are not in contact, allows a reduction in the diameter of the magnet. Such a reduction in the diameter of the magnet reduces the preload necessary when installing the binding bands. None of the cited references disclose or suggest such an advantage. Accordingly, it is respectfully submitted that the pending claims are patentable over the cited references.

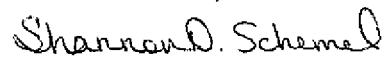
It is believed this response summarizes all the issues discussed during the interview. In view of the amendment and remarks recited herein, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue.

U.S. 10/565,203
In re FREMERY
Docket No: 26202.460

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

It is believed no fees are due with this submission. However, should any fees be due in connection with this submission, the Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment to Deposit Account No. 50-0548.

Respectfully submitted,



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